

Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 SS-15 DHA-02 SSO-00 NEAE-00 SP-02
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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC IMMEDIATE 2465

C O N F I D E N T I A L SECTION 1 OF 2 ISLAMABAD 6517

FOR NEA

E.O. 11652: GDS

TAGS: SHUM, PK

SUBJ: HUMAN RIGHTS - COUNTRY EVALUATION PLAN FOR PAKISTAN

REF: STATE 133681, (B) STATE 138761, (C) STATE 142242

1. WE FOUND YOUR DRAFT AN EFFECTIVE AND WELL-WRITTEN
DOCUMENT. WE THINK THE FOLLOWING CHANGES WOULD STRENGTHEN
IT EVEN FURTHER.

2. IN SECTION A(1) (A) IN THE LAST SENTENCE INSERT
"MAY BE" BETWEEN "AND" AND "OCCASIONALLY."

3. CHANGE SECTION A(1) (C) TO READ "ARBITRARY ARREST OR
IMPRISONMENT: CONSTITUTIONAL PROTECTIONS HAVE BEEN
VITIATED BY AMENDMENTS SINCE 1973. THE THIRD AMENDMENT
TO THE CONSTITUTION PERMITS PREVENTIVE DETENTION
INDEFINITELY ALTHOUGH THE CASE MUST BE REVIEWED EVERY
THREE MONTHS BY A JUDICIAL REVIEW BOARD. THE FIFTH
AMENDMENT BARS BAIL BEFORE ARREST IN PREVENTIVE DETENTION
CASES. THE DEFENSE OF PAKISTAN RULES (DPR) AND THE
MAINTENANCE OF PUBLIC ORDER ORDINANCE PERMIT ARREST
AND/OR PREVENTIVE DETENTION ON ILL-DEFINED GROUNDS. IF
THE EMERGENCY, IN EFFECT SINCE 1971, IS LIFTED AS PART
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OF THE CURRENT NEGOTIATIONS BETWEEN THE GOVERNMENT AND
THE OPPOSITION (AS REPORTEDLY WILL HAPPEN) THEN DPR
WOULD BE RESCINDED. IN MOST CASES PREVENTIVE DETENTION
IS REPORTEDLY OF BRIEF DURATION. IT IS DIFFICULT TO
ASCERTAIN OR ESTIMATE THE NUMBER OF POLITICAL PRISONERS.
AN INITIAL PROBLEM IS DEFINING EXACTLY WHAT CONSTITUTES
'POLITICAL PRISONERS.' PERSONS HELD ON CRIMINAL CHARGES

MAY BE CONSIDERED POLITICAL PRISONERS IN CERTAIN CONTEXTS. THE GOP OFFICIAL FIGURE ACCORDING TO THE ATTORNEY GENERAL IS NINE, WHILE AMNESTY INTERNATIONAL ESTIMATES THAT THERE ARE "AT LEAST SEVERAL THOUSAND" POLITICAL PRISONERS. THE ACTUAL FIGURE PROBABLY FALLS SOMEWHERE BETWEEN THESE TWO ESTIMATES." WE FELT THAT IT WAS NECESSARY TO CLARIFY THE POINT THAT, ALTHOUGH A PREVENTIVE DETENTION CASE MUST BE REVIEWED EVERY THREE MONTHS, IF THE JUDICIAL REVIEW BOARD FINDS THAT THE DETENTION WAS JUSTIFIED THE INDIVIDUAL CAN BE SENT BACK TO PRISON. THIS PROCESS CAN BE REPEATED EVERY THREE MONTHS FOR AN INDEFINITE PERIOD OF TIME. WE ALSO BELIEVE THAT IT SHOULD BE EMPHASIZED THAT THE CONSTITUTIONAL AMENDMENTS WERE THE PRIMARY METHOD OF WEAKENING THE HUMAN RIGHTS PROVISIONS OF THE CONSTITUTION RATHER THAN LEGISLATION.

4. IN SECTION 2(A), THE THIRD SENTENCE, CHANGE "CAN BE INVOKED AGAINST PERIODICALS WHICH ALLEGEDLY JEOPARDIZE" TO "CAN BE INVOKED AGAINST THE PRESS IF IT ALLEGEDLY JEOPARDIZES."

5. SECTION 2(A), IN THE FIRST SENTENCE OF THIRD PARAGRAPH CHANGE "FREEDOM OF ASSEMBLY WAS UNTIL RECENTLY RESTRICTED" TO "FREEDOM OF ASSEMBLY IS RESTRICTED". ALSO IN THAT SENTENCE STRIKE "WIDESPREAD." OUR REASONING BEHIND THIS CHANGE IS THAT, WHILE NO ARRESTS ARE CURRENTLY BEING

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MADE UNDER SECTION 144 OF THE CRIMINAL PROCEDURE CODE THE LAW IS STILL IN EFFECT AND CASES CAN STILL BE REGISTERED UNDER ITS JURISDICTION.

6. SECTION 3(A) CHANGE THE THIRD SENTENCE FROM "WITH US ASSISTANCE HEALTH CARE HAS BECOME" TO "WITH US ASSISTANCE HEALTH CARE SHOULD BECOME".

7. SECTION 4, THE SECOND SENTENCE OF THE FIRST PARAGRAPH, CHANGE TO "THE GOVERNMENT HAS FAILED TO RESCIND THE 1971 WAR-INDUCED EMERGENCY PROCLAMATION ALTHOUGH PAKISTAN FACES NO IMMEDIATE EXTERNAL MILITARY THREAT." WE ALSO RECOMMEND THAT YOU DELETE THE PARENTHETICAL REMARK FOLLOWING THE SENTENCE.

8. IN SECTION 4(A) WE BELIEVE THE TERM "EXTERNAL PRESSURE" IN THE THIRD SENTENCE SHOULD BE CLARIFIED. WE RECOMMEND THAT THE SENTENCE BE CHANGED TO "UNDER DOMESTIC PRESSURE AND AT THE URGING OF FELLOW ISLAMIC COUNTRIES".

9. IN SECTION 4(A) THE FOURTH SENTENCE, "ONE HIGH COURT

HELD MARTIAL LAW UNCONSTITUTIONAL," MAY CAUSE CONFUSION.
WE FEEL THAT THIS SHOULD BE CHANGED TO READ "ONE HIGH COURT
HELD THE MARTIAL LAW COURTS TO BE UNCONSTITUTIONAL. THE
MARTIAL LAW WAS RESCINDED AS A RESULT OF THE OPPOSITION/
GOVERNMENT NEGOTIATIONS."

10. WE SUGGEST THAT SECTION 4(B) BE REVISED TO READ, "THE
GOVERNMENT WOULD BE UNLIKELY TO SUPPORT US EFFORTS TO
PROMOTE HUMAN RIGHTS OBSERVANCE THROUGH GOVERNMENT OR
OTHER ORGANIZATIONS EXCEPT IN THOSE INSTANCES WHERE THE
US OBJECTIVE WAS IN LINE WITH GENERAL THIRD WORLD GOALS
AND PRIORITIES. THE GOVERNMENT OF PAKISTAN HAS FORMALLY
DISAVOWED FURTHER COOPERATION WITH AMNESTY INTERNATIONAL."
WE WERE UNCLEAR AS TO THE RELEVANCE OF THE REFERENCE TO
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THE "QUAID-I-AZAM AWARD," SO WE CHOSE TO OMIT IT.

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FM AMEMBASSY ISLAMABAD

TO SECSTATE WASHDC IMMEDIATE 2466

C O N F I D E N T I A L SECTION 2 OF 2 ISLAMABAD 6517

FOR NEA

11. IN LINE WITH REFTEL B WE SUGGEST THAT YOU ADD THE
FOLLOWING:

5(B)(1) AT THIS TIME THE PROPER COURSE FOR THE US TO
FOLLOW WITH THE GOP REMAINS UNCLEAR BECAUSE OF UNSETTLED
POLITICAL CONDITIONS. NEW ELECTIONS ARE CURRENTLY FORE-
CAST FOR PAKISTAN IN EARLY OCTOBER WITH A STRONG POSSIBILITY

THAT ANTI-AMERICANISM WILL BE A CENTRAL CAMPAIGN ISSUE. FOR THE UNITED STATES TO MAKE PAKISTAN'S HUMAN RIGHTS RECORD AN ISSUE WITH THE GOP AT THIS TIME WOULD UNDOUBTEDLY SERVE TO FUEL THE FIRES OF THIS CAMPAIGN WITH REJECTION OF THE AMERICAN POSITION POSSIBLY USED TO BURNISH THE NATIONALIST CREDENTIALS OF THE PRIME MINISTER. THE ELECTION RESULTS SHOULD SERVE AS A GUIDELINE FOR SETTING THE FUTURE COURSE FOR AMERICAN INVOLVEMENT IN THIS ISSUE IN PAKISTAN.

5(B)(2) PRESIDENT CARTER'S HUMAN RIGHTS INITIATIVES HAVE BEEN RECEIVED WITH SKEPTICISM AND SOMETIMES SCORN BY OFFICIAL PAKISTANI CIRCLES. THEY HAVE USED THE POLICY STATEMENTS IN CONTRAST WITH THEIR ALLEGATIONS OF MASSIVE INTERFERENCE IN PAKISTAN'S INTERNAL AFFAIRS BY THE UNITED STATES AND HAVE ARGUED THAT THE POLICY IS HYPOCRITICAL AND WILL BE APPLIED SELECTIVELY AGAINST THE ENEMIES OF THE CONFIDENTIAL

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UNITED STATES AND THOSE COUNTRIES WITH WHICH THE UNITED STATES IS NOT INVOLVED. NEWSPAPERS HAVE ALSO ATTACKED THE UNITED STATES FOR DEMANDING COMPLIANCE WITH HUMAN RIGHTS STANDARDS WHICH ARE NOT MET IN THE US ALLUDING TO ALLEGED MISTREATMENT OF AMERICAN BLACKS AND INDIANS. THE OPPOSITION PAKISTAN NATIONAL ALLIANCE, AS WELL AS CHURCH GROUPS HAVE, FOR THE MOST PART, REMAINED SILENT. ONE NOTABLE EXCEPTION HAS BEEN OPPOSITION LEADER ASGHAR KHAN WHO HAS PUBLICLY LAUDED PRESIDENT CARTER'S STATEMENTS ON THE ISSUE. IT IS CLEAR, HOWEVER, FROM CORRESPONDENCE RECEIVED BY THE EMBASSY AND PRIVATE COMMENTS OF OPPOSITION FIGURES, THAT THE PRESIDENT'S SUPPORT FOR HUMAN RIGHTS IS WIDELY WELCOMED IN PAKISTAN BY GROUPS WITH AN INTEREST IN QUESTIONS OF CIVIL LIBERTIES.

5(B)(3) - THE PRESIDENT'S COMMENTS ON HUMAN RIGHTS HAVE UNDOUBTEDLY STRUCK A RESPONSIVE CHORD AMONG THE OPPOSITION IN PAKISTAN'S CURRENT POLITICAL CONFRONTATION. THE OPPOSITION HAS, WE BELIEVE, BEEN HEARTENED BY THE PRESIDENT'S STATEMENTS AND MANY IN THE PAKISTAN NATIONAL ALLIANCE (THE OPPOSITION COALITION) UNDOUBTEDLY FEEL THEIR POSITION IS STRENGTHENED BY IMPLICIT AMERICAN MORAL SUPPORT. (THIS REACTION IS SIMILAR TO, BUT NOT AS WIDELY-FELT AS, THE IMPETUS GIVEN TO THE PNA CAMPAIGN BY THE ELECTION IN INDIA AND THE DEFEAT OF INDIRA GANDHI). THIS POSITIVE REACTION ON THE PART OF THE PNA HAS INCREASED THE PRIME MINISTER'S CONCERNS AND MADE HIM MORE DEFENSIVE IN THE AREA OF HUMAN RIGHTS.

12. THE ABOVE WAS DRAFTED ON THE ASSUMPTION THE CEP IS A CLASSIFIED DOCUMENT. IF THERE IS ANY POSSIBILITY

IT MAY BE TREATED AS UNCLASSIFIED, WE ASSUME NEA WILL
MAKE THE NECESSARY CHANGES.
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